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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,603	07/11/2003	Jean-Marie R. Dautelle	RTN-170AUS	2952

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EXAMINER

HUYNH, KIM NGOC

ART UNIT PAPER NUMBER

2182

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/617,603

Applicant(s)

DAUTELLE, JEAN-MARIE R.

Examiner

Kim Huynh

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/15/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-43 are pending; applicant's update of copending application information in page 8 is acknowledged and drawings received on 10/24/05 are accepted.

The information disclosure statement (IDS) submitted on 4/28/05 was filed after the mailing date of the first office action on 4/15/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

Applicant's arguments filed 7/15/05 against Burt is persuasive however, applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 4/15/05 prompted the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Trueblood (US 5,893,053).

1, 10, 23, 26, 37, and 40, Trueblood discloses a method and computer program for storing a command in an air traffic controller (ATC recording and playback system 10) having steps of recording a first set of commands (X-window protocol command, col. 4, ll. 19-22) to a command queue (storage device 24, col. 5, ll. 1-7 and 29-41) to provide a first dynamic snapshot (X-lib, col. 6, ll. 9-17) in a first system stage (tracking client), storing the first snapshot at the first time (col. 6, ll. 18-25), recording and storing additional sets of commands to the command queue wherein the commands are spaced in time from storing the first set of commands (repeating the process for each command, see col. 5, 29-45), eliminate one of overriding, redundant and superfluous commands in the queue and storing the second snapshot at a second time (see Figs. 2-3 and 7C).

Trueblood discloses a system (Fig. 3) for storing commands including a recording proxy 58 intercepting the commands (X-window protocol) to be stored, a dynamic snapshot generator 64 for generating dynamic snapshots (X-lib) correspond to the respective sets of commands and a command interface 46 coupled to the recording proxy 58 and a storage module 24 for storing the commands and snapshots.

Claim 9, Trueblood discloses the commands include two dimensional display command (conventional for ATC) associated with scene graph (dynamic data structure, col. 6, ll. 4-9 and 17-20) and graphical display (display device 14, col. 6, ll. 45-50).

Claims 11-13, Trueblood discloses the commands stored in a solid state memory of non-volatile memory (hard disk).

Claims 14, 19, 30, and 35 Trueblood discloses the steps of receiving a time of interest between first and second time (Figs. 4 and 8) playback function at start and halt time, see col. 9, ll. 9-26 and col. 10, ll. 10-60), retrieving the first dynamic snapshot (col. 10, ll. 21-30), retrieving additional commands recorded at or before the time of interest and appending the command to the first dynamic snap shot to provide an intermediate dynamic snapshot (window) and interpreting the command (col. 9, ll. 31-39) associated with the intermediate snapshot.

Claims 15-18, 20-22, 24-29 31-34, 36, and 39 repeat the limitations of claims 9-13 and are rejected accordingly.

Claims 41-43, Trueblood discloses the dynamic snapshots generator 64 includes: command queue 68 having command stack portion for recording the commands (col. 6, ll. 9-17), snapshot portion 70 for recording the commands associated with the system state, and a processor 34 to combine the commands in the command queue to eliminate one of overriding, redundant and superfluous commands in the queue.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 are rejected under 35 U.S.C. 103(a) as being obvious over Trueblood. Trueblood discloses all the limitations of claim 1 above, except specifying the first and second intervals to the various values as claimed. However, since Burt discloses the mosaic display control system is constructed using various construction sequences (batch, recursive, hierarchical) each using different time base system (see Fig. 2A-C). Burt also discloses the construction of snapshot (coarse to fine image alignment process) can be selected based on user defined functions for desired resolution/pixel is obtained (col. 10, l. 23 to col. 12, l. 14). It would have been obvious to one having ordinary skill in the art to realize that the value of the first and second intervals of the system of Burt can be varied depending on the parameters selected by the users in order to best produce a seamless mosaic (col. 4, ll. 37-48).

Furthermore, it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art as a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.

Conclusion

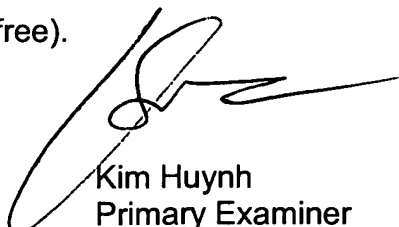
Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 4/15/05 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (571) 272-4147.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kim Huynh
Primary Examiner
Art Unit 2182
9/21/05